

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ROBBIE AUTERY and SHANE
FULMER,

Plaintiffs,

V.

**KEVIN DAVIS, in his official capacity
as Sheriff of Chilton County, Alabama,
and individually,**

Defendant.

**CIVIL ACTION NO.:
2:08-CV-41-WC**

DEFENDANT KEVIN DAVIS' MOTION FOR SUMMARY JUDGMENT

COMES NOW the Defendant, Kevin Davis, in his official capacity as Sheriff of Chilton County Alabama, and individually, pursuant to Rule 56 of the Federal Rules of Civil Procedure, and hereby moves this Honorable Court to enter Summary Judgment in his favor in the above styled action as a matter of law, on the grounds that there is no genuine issue of material fact, and that he is entitled to Summary Judgment as a matter of law.

This Motion is based upon the pleadings, the Complaint, the Answer, The Alabama Constitution of 1901, the Affidavits of Greg Pappas, Chief Deputy Shane Mayfield, Sergeant Michael Poe and Captain Steve Tate, certified documents from the Alabama Department of Archives and History, the depositions of Sheriff Kevin Davis, Shane Fulmer and Robbie Autery and Defendant Kevin Davis' Brief in Support of Summary Judgment filed contemporaneously herewith.

WHEREFORE, THE PREMISES CONSIDERED, Defendant, respectfully requests, pursuant to Rule 56 of the Federal Rules of Civil Procedure that Summary Judgment be entered in his favor on all counts as a matter of law and against the Plaintiff.

/s/ C. Winston Sheehan, Jr.

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/s/ Allison Alford Ingram

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CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2008, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system which will send notification of such filing to the following registered persons and that those persons not registered with the CM/ECF system were served by U.S. mail:

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